

REMARKS

Claims 1-30 and 38-60 are pending. Applicant has canceled claims 31-37. Applicant has amended claims 11, 26, and 47-54.

Applicant would like to thank the Examiner and Examiner Ali for their consideration during the telephone interview of May 3, 2006. During that interview, applicant's representative described applicant's invention and described the primary reference, Rorex, and how applicant's claimed invention is fundamentally different from Rorex. Applicant describes the differences in detail below.

Rejection under 101

The Examiner has rejected claims 11-25, 38-54, and 56-60 under 35 U.S.C. § 1101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection of these claims. Nevertheless, applicant has amended claims 47-54 as suggested. With respect to claim 11-25, 38-46, and 56-60, applicant respectfully submits that the Examiner has not even established a prima facie case that these claims are directed to non-statutory subject matter.

The Examiner believes that claims 11-25, 38-46, and 56-60 are "more of an abstract idea with no practical application." The Examiner bears the burden of identifying that abstract idea and describing why it has no practical application or preempts all practical applications for that abstract idea. For example, according to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility of November 22, 2005, [i]f an examiner determines that the claimed invention preempts a Sec. 101 judicial exception, the examiner must identify the abstraction, law of nature, or natural phenomenon and explain why the claim covers every substantial practical application thereof." (IV.C.3; see also IV.D)

Applicant respectfully submits that the Examiner has neither identified the "abstract idea" of these claims nor provided an explanation why the claims cover no practical application or would cover every substantial practical application. The Examiner's sole explanation is that

the language of claim 11 is more of an abstract idea with no practical application or tangible result in view of the definition of the method. It raises a question as to whether the result in [is, sic] a practical application [that, sic] produces a concrete [, sic] useful, and tangible result to form the basis of a statutory subject matter under 35 U.S.C. 101.

(Office Action, Jan. 21, 2006, p. 2.) Applicant respectfully requests the Examiner to identify the abstract idea and either explain why the claims cover no practical application or every substantial practical application.

Rejection under 102 and 103

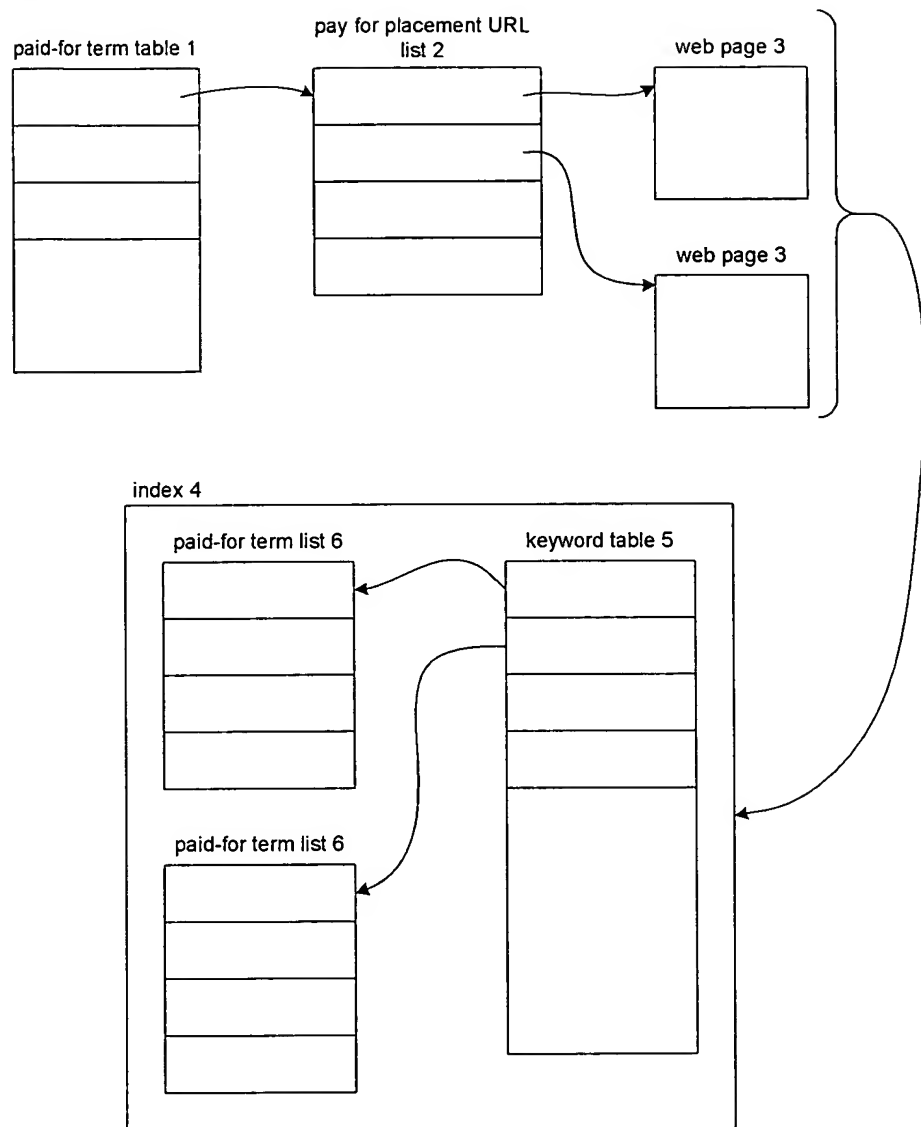
The Examiner has rejected claim 1-6, 9-19, 22-30, 38-60 under 35 U.S.C. § 102(e) as being anticipated by Rorex and claims 7-8 and 20-12 under 35 U.S.C. § 103(a) as being unpatentable over Rorex and Barsness. Applicant respectfully traverses these rejections.

Applicant's technique identifies a query that is related to content (e.g., a web page). In particular, applicant's technique identifies queries previously submitted by users that match phrases of the content. For example, a web page may contain the term "Harry" and the user queries may include "Harry Truman biography" and "Harry Potter books." Applicant's technique may identify that both queries match the term of the web page, but selects the query "Harry Potter books" because, in some embodiments, it is more popular than the other query. Applicant's technique then submits the selected query to a product search engine to identify a product that is related to "Harry Potter books." Advertisements for the identified product can then be added to the web page.

Rorex, in contrast, describes a technique for, in response to a user submitting a search request (or query), presenting a user with a list of relevant pay for placement URLs and a list of related searches that the user may want to submit. When a user submits a search request, Rorex compares the search terms of the search request to paid-for search terms for which advertisers have placed bids. If a match is found, then Rorex adds the pay for placement URLs of the advertisers who placed bids on those paid-for search terms to a search result web page in an order determined, in part, by the amount of money the advertisers have bid. (Rorex, Fig. 3a.)

When a search is submitted, Rorex's technique also identifies related searches to present to the user. A related search may be helpful to the user as alternate search requests when the user's initial search was too broad or too narrow. For example, if the user submits the search "Tiger," Rorex may present to the user the alternate searches of "Tiger Woods" or "White Tiger." To identify the alternate searches, Rorex, however, does not use user-submitted queries. Rather, Rorex generates queries from paid-for terms. Rorex identifies keywords of web pages, referenced by the pay for placement URLs that are similar to the search terms. Rorex generates the related searches from those keywords by selecting the paid-for search terms associated with the pay for placement URLs that reference those web pages. To facilitate the identification of keywords, Rorex crawls web sites associated with the pay for placement URLs and creates an index (or inverted file) that maps the keyword of the referenced web site to the paid-for search terms.

Figure A below logically illustrates the data used to create the index. Rorex has a paid-for terms table 1 with an entry for each paid-for term that contains the term and a pointer to pay for placement URL list 2 with an entry for each pay for placement URL that contains the URL of web page 3. Rorex creates an index 4 with a keyword table 5 with an entry for each keyword of a web page 3. Each entry points to a paid-for term list 6 that contains each paid-for term whose pay for placement URL references a web page that contains that keyword. Thus, the index maps keywords to paid-for search terms.

Figure A

Rorex describes its overall process in Figure 2. In block 202, Rorex receives the search request. In block 204, Rorex identifies matching or relevant pay for placement URLs. In block 206, Rorex identifies related searches. In block 208, Rorex describes combining the pay for placement URLs with the related searches on a web page. In block 210, Rorex describes providing the web page as the search result to the user who submitted the search request.

The Examiner believes that various blocks of Rorex's Figure 2 corresponds to the elements of applicant's claims 1-10 as outlined in the following table:

Figure 2	Claim 1 Element
200, 202	providing a plurality of queries submitted by users of a web site, each query having a popularity;
	receiving content of the web page;
204	identifying provided queries that match phrases in the content;
206	selecting an identified query based on its popularity; and
208	submitting the selected query to a product search engine to identify a product that is related to the selected query.

Applicant would like to make the following observations about this correspondence. First, applicant's "selecting" step selects one of the provided queries submitted by a user as recited in the "providing" step. Block 206 of Rorex, which the Examiner believes corresponds to applicant's "selecting" step, represents Rorex's process of identifying related searches that match the search request submitted by the user so that the identified related searches can be provided to the user as alternate search requests. These related searches, however, are not search requests that have been submitted by users and are certainly not the search requests submitted by a user in block 202. Rather, these related searches are generated from the web pages that are referenced by the pay for placement URLs of the advertisers. Applicant's "selecting an identified query based on its popularity," in contrast, selects a query that has been submitted by a user as indicated by the "providing a plurality of queries submitted by users of a web site." (Emphasis added.) Block 206 of Rorex does not select search requests that have been submitted by users, but rather generates the search requests from the index that maps keywords of web pages to paid-for search terms.

Second, applicant's "submitting" step submits a selected query to a product search engine. Block 208, which the Examiner believes corresponds to applicant's "submitting" step, represents Rorex's combining of pay for placement URLs and related searches onto a web page. Applicant's "submitting the selected query to a product search engine" takes a query and submits it to a search engine. Rorex's block 208 has nothing to do with

submitting any query to any type of search engine, but rather simply generates a web page.

All the claims recite that the queries that are selected are queries that have been submitted, which is neither taught nor suggested by Rorex. In addition to claims 1-10 as discussed above, claims 11-25 recite that a query is identified based on "its popularity of submission." Claims 26-30 recite "user-submitted queries." Claims 38-60 recite "queries submitted by users."

More fundamentally, all the claims include identifying a submitted query that matches content. Rorex, in contrast, generates an alternate query based on paid-for terms and neither teaches nor suggests the identifying of a query from a collection of submitted queries that match certain content.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768071US from which the undersigned is authorized to draw.

Based upon these remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

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